

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROGER L. PIERCE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:07CV384
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

**ORDER**

On November 25, 2008, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Defendant filed objections to the Recommendation within the time limit prescribed by § 636. The court has reviewed Defendant's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

An administrative law judge ("ALJ") must accompany his decision with sufficient explanation to allow a reviewing Court to determine whether the Commissioner's decision is supported by substantial evidence. See Cook v. Heckler, 783 F.2d 1168, 1172 (4th Cir. 1986) ("[T]he [Commissioner] is required by both the Social Security Act, 42 U.S.C. § 405(b), and the Administrative Procedure Act, 5 U.S.C. § 557(c), to include in the text of her decision a statement of the reasons for that decision."). The ALJ's "decisions should refer specifically to the evidence

informing the ALJ's conclusion. This duty of explanation is always an important aspect of the administrative charge . . . ." Hammond v. Heckler, 765 F.2d 424, 426 (4th Cir. 1985). From the text of the ALJ's decision, this court cannot determine whether the ALJ considered Plaintiff's medically diagnosed circadian rhythm disorder in finding that Plaintiff's sleep disorder was a non-severe impairment. Furthermore, the ALJ did not fully discuss his reasons for finding Plaintiff's statements regarding his sleep disorders not fully credible, stating only that "the claimant reported resting better than ever before with a decreased amount of Zyprexa." (Tr. at 28.) As discussed by the Magistrate Judge, further evidence and/or explanation is necessary for this court to properly review the ALJ's decision.

IT IS THEREFORE ORDERED that Plaintiff's motion for summary judgment (Doc. 11) is denied, that Defendant's motion for judgment on the pleadings (Doc. 14) is denied, and that this action be, and the same hereby is, remanded to the Commissioner for further proceedings as set out in this order and in the body of the November 25, 2008 Recommendation.

This the 2nd day of July 2009.

William L. Osburn, Jr.  
United States District Judge